

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2120/0B1	
2.	Proposed Development:	VARIATION OF CONDITIONS 2 (PLANS), 5 (CULVERT PROTECTION) AND 16 (CULVERT SURVEYING) OF PLANNING APPROVAL 4/22/2315/0F1 - ERECTION OF THREE DWELLINGS	
3.	Location:	LAND ADJACENT TO SCHOOL HOUSE WITH ACCESS FROM THE B5345, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	<p>This application relates to a 0.24ha of land located adjacent to School House, located to the north of St Bees.</p> <p>The application site is bounded to the west by the B5345, school buildings to the south and east, and agricultural land to the north.</p> <p>The site is located adjacent to the St Bees Conservation Area boundary and is enclosed by a combination of established hedgerows and stone walls. The site slopes significantly away from the adjacent highway, contains a number of well established trees, and was previously used as a golf practice area.</p> <p>An existing single storey building finished in render is located within the north east corner of</p>	

the application site, and will be retained as part of this proposal.

Relevant Planning History

4/20/2357/PIP – Application for permission in principle for three residential dwellings – Allowed on appeal.

4/22/2315/0F1 – Erection of three dwellings – Approved.

4/23/2228/DOC – Discharge of conditions 3-8 of planning application 4/22/2315/0F1 – Approved.

Proposal

In June 2023, planning permission (ref: 23/2086/0F1) was approved for the erection of three dwellings. This application seeks to vary conditions 2, 5 and 16 of this permission. The wording of the relevant conditions attached to this planning approval is as follows:

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Location and Block Plan (Amended), Scale 1:500 & 1:1250, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
 - Proposed Site Plan (Amended), Scale 1:200, Drawing No: 010, Rev: D, received by the Local Planning Authority on the 7th March 2023.
 - Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
 - Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
 - Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: F, received by the Local Planning Authority on the 1st March 2023.
 - Site Sections (Amended), Scale 1:100, Drawing No: 012, Rev: E, received by the Local Planning Authority on the 7th March 2023.
 - Site Section Plan (Amended), Scale 1:200, Drawing No: 013, Rev: D, received by the Local Planning Authority on the 7th March 2023.
 - Tree Removal Plan (Amended), Scale 1:200, Drawing No: 014, Rev: C, received by the Local Planning Authority on the 7th March 2023.
 - Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023.
 - Proposed Drainage Plan (Amended), Scale 1:200, Drawing No: 22-C-16630-02,

Rev: E, received by the Local Planning Authority on the 3rd March 2023.

- Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023.
- Design Statement & Character Appraisal (Amended), Prepared by Ashwood Design Associates LTD, received by the Local Planning Authority on the 23rd February 2023.
- Tree Survey Topographical Survey, Scale 1:200, Drawing Number, 060521-BLOSS-STBEE-TOPO-001, received by the Local Planning Authority on the 4th November 2022.
- Tree Survey Site Plan, Scale 1:500, received by the Local Planning Authority on the 28th October 2022.
- Tree Survey, received by the Local Planning Authority on the 28th October 2022.
- Material Schedule, received by the Local Planning Authority on the 11th January 2023.
- Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023.
- Micro Drainage Calculations, Prepared by A L Daines & Partners, received by the Local Planning Authority on the 3rd April 2023.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. The development hereby approved must not be commenced until a scheme detailing the following has been submitted and approved in writing by the Local Planning Authority:

- Measures to protect the culvert within the application site during the construction phase of the development;
- Confirmation of arrangements for on-going maintenance of the culvert within the site boundary upon completion of the development.

The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme.

16. Before the development becomes operational, the section of the culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

The variations seek to amend condition 2 for amendments to the previously approved house type, and conditions 5 and 16 to allow the replacement and relocation of the existing culvert.

Consultation Responses

St Bees Parish Council

No objections.

Cumberland Council – Highway Authority & LLFA

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed variation of Condition 2, Condition 5 and Condition 16 for the above development site as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

United Utilities

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the approved drainage scheme.

Cumberland Council – Conservation and Design Officer

Conclusion: No objection

Assessment:

- ☐ Variations have been proposed to account for slightly altered internal and external detailing of Plot 3 dwelling, consisting externally of slightly relocating a garage pedestrian door and removing a pair of French windows.
- ☐ The other two condition variations relate to a culvert, which do not appear to be



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relevant to conservation and design.

- ☐ I have no objection to the proposed variations.

National Amenities Society

No comments received.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at

<https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Sports England

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Par. 103 of National Planning Policy Framework (NPPF) is in accordance with local policies to protect social infrastructure and meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to thirty three properties.

Three letters of objection have been received raising the following concerns:

- I still think direct access onto the B5345 is dangerous.
- Cars turning from Abbey Vale towards the village can only just see far enough to make the turn as cars coming up the hill are hidden in the bend. They will not necessarily see a car indicating left into the school as it slows just as they are pulling out. Cars coming down the hill will perhaps assume the car is indicating to go toward the chicane rather than onto Abbey Road.
- Why can't access be through the school grounds like all the other traffic which goes towards the management centre?
- The first concern is that those dwellings will look down on and directly into a co-

educational school boarding house and so the construction of any houses there has considerable safeguarding concerns. The building houses children aged 11 to 18 so some are still at an especially vulnerable age.

- The second very pressing concern is the prospect of a culvert draining the water from those houses into the school culvert that crosses our playing fields. Those playing fields are used by not only the school, but the village school and intermittently by other clubs and members of the whole community, including for a series of charitable events each year. They already regularly flood due to the poor state of the drainage at this end of St Bees village, being naturally predisposed to a high water table due to the fact we lie in a u-shaped valley.
- Further drainage being passed through the school will have a seriously deleterious effect on the school playing fields and undermine our whole sports and wider programme here.
- The culvert which is referred to in this planning application runs through the school grounds and was responsible for a flood in the plant room which closed the swimming pool for several months from January 2023 to June 2023. It gives the school great concern that any extra flow of water or debris (soil, stones, etc), into this culvert will once again cause a major flood and could potentially close the swimming pool on a permanent basis due to insurance premiums being too high.
- Any increase in volume of water/debris from a new and improved culvert could cause devastating damage to the old existing culvert running through the school grounds and flood the plantroom for the swimming pool causing it to close indefinitely. This swimming pool is not only use by the St Bees School but many smaller schools in the surrounding area and would be a great loss to the wide community of west Cumbria.
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Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 - 2038 (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national

planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is attached,

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/22/2315/0F1), condition 1 will be repeated to ensure timescales for commencement are clearly outlined. Conditions 9 and 11 will be repeated as these conditions still require formal discharge. Conditions 12, 13, 14, 17, 18, and 19 will be repeated to ensure that works are carried out as per the approved details.

Conditions 3, 4, 6, 7, and 8 will be updated to reflect that these conditions have been discharged. Conditions 10 and 15 will also be amended to reflect the updated plans as submitted within this current S73 application.

The current application seeks to vary condition 2, 5 and 16 of the original planning approval



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	<p>(ref: 4/22/2315/OF1).</p> <p>Condition 2 relates to the approved plans for this application. This application seeks to vary this condition in order to secure amendments to the originally approved housetype for plot 3. As part of the original permissions at this site extensive discussions were undertaken with the agent and applicants in order to secure housetypes on each plot which reflect the traditional character of St Bees. The amendments seek to add additional sandstone features to the front elevation, relocate a garage door, and remove a patio window. The proposed amendments are considered acceptable in terms of the design of the previously approved housetype for this plot and the wider site, ensuring a harmonious development which will reflect the traditional character of St Bees and surrounding area. The Council's Conservation Officer has also offered no objection to this S73 application.</p> <p>Condition 5 relates to the existing culvert which runs along the south west of the application and sought to secure a scheme of measures to protect the culvert during construction and its maintenance upon completion of the development. This condition has previously been discharged under application ref: 4/23/2228/DOC, however due to the existing location and damage to the culvert the applicant wishes to replace and relocate the existing culvert. The culvert will be installed and will be operational prior to any further works (that could impact the existing culvert and water course) taking place on site. The application also details an exclusion zone to protect the replaced culvert during the construction of the dwelling on plot 3.</p> <p>Whilst concerns have been raised from neighbouring sites regarding potential flooding from additional use of the culvert, the drainage from the development does not connect into the existing culvert. No objections have been received from statutory consultees in relation to the variation of condition 5. Condition 2 will also be amended to reflect the changes to the approved plans in terms of the replacement culvert.</p> <p>Condition 16 again relates to the existing culvert and its inspection prior to the occupation of any dwelling on this site. The current application seeks vary this condition to reference the replacement culvert and to secure its inspection prior to the occupation of plot 3 only to limit delays to the development of the other two plots. Given that the replacement culvert is located within plot 3 only, this amendment is considered acceptable. No objections have been received from statutory consultees in relation to the variation of condition 16.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none">1. The development hereby permitted must be commenced before the 2nd June 2026. <p>Reason</p>

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Location and Block Plan (Amended), Scale 1:500 & 1:1250, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Proposed Site Plan (Amended), Scale 1:200, Drawing No: 010, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: G, received by the Local Planning Authority on the 30th May 2024. 2024.
- Site Sections (Amended), Scale 1:100, Drawing No: 012, Rev: E, received by the Local Planning Authority on the 7th March 2023.
- Site Section Plan (Amended), Scale 1:200, Drawing No: 013, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Tree Removal Plan (Amended), Scale 1:200, Drawing No: 014, Rev: C, received by the Local Planning Authority on the 7th March 2023.
- Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023.
- Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16630-02, Rev: F, received by the Local Planning Authority on the 11th April 2024.
- Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023.
- Design Statement & Character Appraisal (Amended), Prepared by Ashwood Design Associates LTD, received by the Local Planning Authority on the 23rd February 2023.
- Tree Survey Topographical Survey, Scale 1:200, Drawing Number, 060521-BLOSS-STBEE-TOPO-001, received by the Local Planning Authority on the 4th November 2022.
- Tree Survey Site Plan, Scale 1:500, received by the Local Planning Authority on the 28th October 2022.



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- Tree Survey, received by the Local Planning Authority on the 28th October 2022.
- Material Schedule, received by the Local Planning Authority on the 11th January 2023.
- Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023.
- Micro Drainage Calculations, Prepared by A L Daines & Partners, received by the Local Planning Authority on the 3rd April 2023.
- Location of Existing Culvert, Scale 1:500, Drawing No: 22-C-16630-05, Rev: A, received by the Local Planning Authority on the 11th April 2024.
- Proposed Culvert Replacement, Scale 1:100, Drawing No: 22-C-16630-07, received by the Local Planning Authority on the 11th April 2024.
- Appendix 1, received by the Local Planning Authority on the 11th April 2024.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions:

3. The development hereby approved must be carried out in accordance with the visibility splays approved as part of condition 3 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must provide clear visibility as shown on approved plan 'Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023' of 45 metres in both directions measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety.

4. The development hereby approved must be carried out in accordance with the surface water drainage details approved as part of condition 4 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

5. The replacement of the existing culvert within the south west of the application site, and its protection during construction, must be completed in accordance with the following approved plans:
 - Location of Existing Culvert, Scale 1:500, Drawing No: 22-C-16630-05, Rev: A, received by the Local Planning Authority on the 11th April 2024.
 - Proposed Culvert Replacement, Scale 1:100, Drawing No: 22-C-16630-07, received by the Local Planning Authority on the 11th April 2024.
 - Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16630-02, Rev: F, received by the Local Planning Authority on the 11th April 2024.
 - Appendix 1, received by the Local Planning Authority on the 11th April 2024.

The replacement culvert must be retained in accordance with these approved details at all times thereafter. The culvert must be protected in accordance with these approved details at all times during construction.

Reason

To ensure the provision of a satisfactory drainage scheme.

6. The development hereby approved must be carried out in accordance with the

Arboricultural Method Statement approved as part of condition 6 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.

Reason

To adequately protect the existing trees on site

7. The development hereby approved must be carried out in accordance with the Landscape Plan approved as part of condition 7 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must be completed in accordance with these approved details and must be retained for the lifetime of the development.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme.

8. The development hereby approved must be carried out in accordance with the schedule of landscape maintenance approved as part of condition 8 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must be completed in accordance with these approved details and must be retained for the lifetime of the development.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

Prior to Erection of External Walling Conditions

9. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Prior to Occupation Conditions:

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the following approved documents:

- Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023.
- Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16630-02, Rev: F, received by the Local Planning Authority on the 11th April 2024.

For the avoidance of doubt surface water must drain at the restricted rate of 3l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

11. Prior to occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to and approved in writing by the Local Planning Authority. The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.



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12. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

13. The new access and access road hereby approved as detailed on the approved plan 'Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The access road must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) in accordance with Policy T1 and DM22 of the Copeland Local Plan.

14. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the approved plans 'Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity.

15. Prior to the first occupation of any of the dwellings hereby approved the indicated windows must be fitted with obscure glazing in line with the approved documents:

- Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by

the Local Planning Authority on the 17th February 2023.

- Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: G, received by the Local Planning Authority on the 30th May 2024.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with DM10 of the Copeland Local Plan.

16. Prior to the first occupation of plot 3, the replacement culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

Other Conditions:

17. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- Material Schedule, received by the Local Planning Authority on the 11th January 2023.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

18. Any access gates installed within the site must be of a style which do not open onto the shared access and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

19. The existing boundary wall and hedgerow along the west boundary of the site must be retained at all times in accordance with the details submitted in the approved document 'Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023'.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Informative Notes:

1. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns	Date : 30.05.2024
Authorising Officer: N.J. Hayhurst	Date : 06.06.2024
Dedicated responses to:- N/A	